

EXHIBIT 3

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re Overby-Seawell Company
Customer Data Security Breach
Litigation

Case No. 1:23-md-03056-SDG

**DECLARATION OF CHRISTIE K. REED REGARDING
ADMINISTRATION QUALIFICATIONS AND NOTICE PROCEDURES**

I, Christie K. Reed, declare and state as follows:

1. My name is Christie K. Reed. I have personal knowledge of the matters set forth herein.

2. I am a Vice President of Legal Notification Services at KCC Class Action Services, LLC (“KCC”), a firm that specializes in comprehensive class action services, including legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, claims processing, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements. With more than 30 years of industry experience, KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated with the

noticing, claims processing and disbursement requirements of these matters to ensure the orderly and fair treatment of class members and all parties in interest. KCC has been retained to administer more than 7,000 class actions and distributed settlement payments totaling well over a trillion in assets.

3. The purpose of this declaration is to provide information related to KCC's qualifications and experience and to detail the settlement notice program ("Notice Plan") proposed here for the Settlement in *In re Overby-Seawell Company Customer Data Security Breach Litigation*, Case No. 1:23-md-03056-SDG.

4. Unless otherwise noted, capitalized terms have the same meaning ascribed to them as in the Settlement Agreement.

KCC BACKGROUND AND EXPERIENCE

5. KCC has administered class action settlements for hundreds of consumer protection cases, including data breach cases. Some examples of data breach cases with which KCC has been involved include: *Braun v. VisionQuest Eyecare, PC, et al.*, 49D07-1705-PL-020189 (Ind. Super. Ct.); *Carroll v. Macy's Inc. et al.*, No. 2:18-cv-01060-RDP (N.D. Ala.); *Cochran v. Burgerville LLC*, No. 18-cv-44864 (Cir. Ct. Ore); *Debaeke v. St. Joseph Health System, et al.*, No. JCCP 4716 (Cal. Super. Ct.); *Elvey v. TD Ameritrade, Inc.*, No. C 07 2852 VRW (N.D. Cal.); *Experian Data Breach Litig.*, No. 8:15-cv-01592 AG (DFMx) (C.D. Cal.);

Groveunder v. Wellpoint, No. JCCP 4647 (Cal. Super. Ct.); *In re Anthem, Inc. Data Breach Litig.*, No. 5:15-MD-02617-LHK (N.D. Cal.); *In re Arby's Restaurant Group, Inc. Data Security Litig.*, No. 18-mi-55555-AT (N.D. Ga.); *In re LinkedIn User Privacy Litig.*, No. 12-cv-03088-EJD (N.D. Cal.); *In re Medical Informatics Engineering, Inc. Customer Data Security Breach Litig.*, No. 15-md-2667 (N.D. Ind.); *In re Yapstone Data Breach Litig.*, 15-cv-04429-JSW (N.D. Cal.); *Lozanski v. The Home Depot Inc. Canada*, No. 14-51262400CP (Ontario Superior Court of Justice, Canada); *Ramsey v. 41 E. Chestnut Crab Partners, LLC, et al.*, No. 2019-CH-2759 (Ill. Cir. Ct.); *Saenz v. SEIU United Healthcare Workers-West*, No. RG09478973 (Cal. Super. Ct.); *Shurtleff v. Health Net of California, Inc.*, No. 34-2012-00121600 (Cal. Super. Ct.); *Sonic Corp Customer Data Security Breach Litig.*, No. 1:17-md-02807 (N.D. Ohio); *Storm v. Paytime, Inc.*, No. 14-cv-01138 (M.D. Pa.); *The Home Depot, Inc. Customer Data Security Breach Litig.*, No. 1:14-md-02583 (N.D. Ga.); *Torres v. Wendy's International, LLC*, No. 6:16-cv-00210-PGB-DCI (M.D. Fla.); and *Winstead v. ComplyRight, Inc.*, No. 18-cv-4990 (N.D. Ill.).

NOTICE PLAN

Overview

6. The proposed Notice Plan utilizes individual notice to all identifiable Settlement Class Members. It is my understanding the Settlement Class consists of

approximately 600,000 Settlement Class Members, all of which can be provided with direct notice.

Class Definition

7. The Notice Plan is designed to provide notice to the following Settlement Class: all individuals whose PII was compromised in the Data Incident (“Settlement Class Members”).

8. There will be a Fulton Bank Settlement Subclass that shall be defined as: All Settlement Class Members who provided their personal data to Fulton Bank, N.A. and were notified that their personal data may have been impacted as a result of Overby-Seawell Company’s cybersecurity incident that it discovered on or about July 5, 2022 (“Fulton Bank Settlement Subclass Members”).

9. Excluded from the Settlement Class are the judges presiding over this Action and members of their direct families, and Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline.

Individual Notice

10. KCC possesses a list of all persons previously identified as Fulton Bank Settlement Class Members. This list will be combined with information from Overby-Seawell Company and KeyBank. Overby-Seawell company will provide KCC with the names and contact information for all persons identified by Overby-

Seawell Company to be Settlement Class Members. In addition, Keybank will provide KCC with the names and contact information for all persons identified by Keybank to be Settlement Class Members. These lists will be combined into one comprehensive Class List which is expected to contain approximately 600,000 names and last-known addresses and, to the extent readily available, email addresses.

11. A double postcard Summary Notice and Claim Form will be sent to all Settlement Class Members.

12. Prior to mailing, the addresses will be checked against the National Change of Address (NCOA)¹ database maintained by the United States Postal Service (USPS); certified via the Coding Accuracy Support System (CASS);² and verified through Delivery Point Validation (DPV).³

13. Notices returned by USPS as undeliverable will be re-mailed to any address available through postal service forwarding order information. For any

¹ The NCOA database contains records of all permanent change of address submissions received by the United States Postal Service (“USPS”) for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

² Coding Accuracy Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding systems.

³ Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

returned mailing that does not contain an expired forwarding order with a new address indicated, KCC will conduct further address searches using credit and other public source databases to attempt to locate new addresses and will re-mail these notices, if applicable.

Publication Notice

14. The results of the individual notice effort will be continuously monitored and analyzed to confirm that the results fall within expectations. Should the results be less than expected, additional indirect notification methods will be added to ensure the notice program provides at least 70% of likely Class members with an opportunity to see a notice.

Response Mechanisms

15. KCC will establish and maintain a case-specific website to allow Settlement Class Members to obtain additional information and documents about the Settlement and file a Claim Form online. Settlement Class Members will also be able to view, download, and/or print the Class Action Complaint, Postcard Notice, Long-Form Notice, Claim Form, Settlement Agreement, and other relevant settlement and court documents. The website will be maintained from the Notice Date until sixty days after all Settlement Payments have been distributed.

16. KCC will establish a case-specific toll-free number to allow Settlement

Class Members to call and learn more about the case in the form of frequently asked questions.

Claims Processing

17. KCC will review, process, and evaluate each Claim Form received, including any required documentation submitted, for validity, timeliness, and completeness.

CONCLUSION

18. In KCC's experience, the Notice Plan proposed for this case is consistent with other settlement notice programs. The expected reach of the Notice Plan is also consistent with other effective court-approved settlement notice programs and is designed to meet due process requirements. The Federal Judicial Center's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* considers 70-95% reach among class members to be a "high percentage" and reasonable.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 10th day of April, 2024, at Lakewood, CA.



Christie K. Reed